IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 683 of 1993

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BAPUBHAI H. BARIA

Versus

STATE OF GUJARAT

Appearance:

MRS SANGEETA N PAHWA for Petitioner No. 1-3

MR KL PANDYA, AGP, for Respondent No. 1-3

NOTICE SERVED for Respondent No. 4

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 31/03/2004

ORAL JUDGEMENT

1. The petitioners herein are the residents of villages Ambaliat, Satkunda and Nanasalai of District Panchmahals. The grievance of the petitioners is that the respondents were contemplating to transfer the fair price shop from Rambhemnamuvada to Satkunda, putting the

villagers into tremendous difficulties.

2. The petitioners are card holders of the fair price shop which is situated at Rambhemnamuvada. It is at a distance of about 2 kms from Ambaliat and one km. from Nanasalai. Therefore, they are required to travel for about 2 kms for getting their ration. There is a pucca road in between Rambhemnamuvada and Ambaliat at Satkunda. Therefore, the residents of Ambaliat and Satkunda have no difficulties in getting their ration. It is contented that the said fair price shop at Rambhemnamuvada has been in existence since last 22 years. It is further contented in the petition that the petitioner learnt that the respondents had taken a decision to transfer the fair price shop from Rambhemnamuvada to Satkunda without any reason whatsoever. Hence the petitioners have approached this Court by way of the present petition.

3. While admitting this matter this Court has restrained the respondents from transferring the fair price shop from Rambhemnamuvada to Satkunda or any other place. Though the matter was filed in the year 1993, and the interim order has been operating for almost 11 years, no reply has been filed by the concerned authority or respondent no.4 till this date. Therefore, the interim order which is operative till today is required to be confirmed.

4. As stated above, the respondents have not filed any reply and have not disputed any of the allegations levelled in the petition with regard to the hardship likely to be caused to the residents of three villages, more particularly when the distance between two villages will be almost two and half times and in another case it will be five times. Apart from that, the policy of the Government is to give fair price commodities at the door-step of the residents and therefore, there is no reason for the respondents to shift the fair price shop from the present place to a far away place causing great hardship and inconvenience to the villagers. Therefore, there is sufficient reasons for causing interference in this petition.

5. In the premises aforesaid, the petition is allowed. The respondents are hereby restrained from transferring the fair price shop from Rambhemnamuvada to Satkunda. Rule is made absolute accordingly with no order as to costs.

[K.S. JHAVERI, J.]

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